# LEMON GROVE CITY COUNCIL AGENDA ITEM SUMMARY

Item No. 2  Mtg. Date July 21, 2015  Dept. Development Services				
Item Title: Adoption of the City of Lemon Gro	ove ADA Transition Plan			
Staff Contact: Malik Tamimi, Management Ana Carol Dick, Director of Development				
Recommendation:				
Adopt a resolution ( <b>Attachment B</b> ) approving the ( <b>Attachment C</b> ).	ne City of Lemon Grove ADA Transition Plan			
Item Summary:				
Title II of the Americans with Disabilities Act (ADA) requires that state and local governments make programs and services accessible to persons with disabilities.				
The attached ADA Transition Plan outlines the tracking process by which City staff collects information on facilities and infrastructure in compliance with ADA requirements. Staff utilizes the information to prioritize and correct any deficiencies.				
Fiscal Impact:				
None with the adoption of this plan.				
Environmental Review:				
Not subject to review	□ Negative Declaration			
Categorical Exemption, Section 15301	☐ Mitigated Negative Declaration			
Public Information:				
None	☐ Notice to property owners within 300 ft.			
☐ Notice published in local newspaper	Neighborhood meeting			
Attachments:				
A. Staff Report				
B. Resolution				
C. ADA Transition Plan				

D. Complaint Form

#### LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date <u>July 21, 2015</u>

Item Title: Adoption of the City of Lemon Grove ADA Transition Plan

**Staff Contact:** Malik Tamimi, Management Analyst

Carol Dick, Director of Development Services

#### Discussion:

The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute that prohibits discrimination against people who have disabilities. Title II of the ADA specifically addresses the subject of making City services and facilities accessible to those with disabilities. With the advent of the ADA, designing and constructing facilities for public use that are not accessible by people with disabilities constitutes discrimination.

ADA applies to all facilities, including both facilities built before and after 1990. Facilities include buildings, parks, public sidewalks, plazas and crosswalks, etc. As a necessary step to a program access plan to provide accessibility under the ADA, state and local governments, public entities or agencies are required to perform self-evaluations of their current facilities. The agencies are then required to develop a Transition Plan to address any deficiencies.

It is apparent through City records, that the City of Lemon Grove previously required and completed ADA improvements of City facilities and rights-of-ways through the Capital Improvement Program (CIP) and new facility construction. These improvements are recognized and filed as ADA improvements, but are not systematically catalogued or tracked through a coordinated program.

The purpose of the Transition Plan is to provide a comprehensive and coordinated framework to ensure that the citizens of Lemon Grove have full access to City programs and facilities. The ability to accommodate disabled persons is also essential for good customer service, the quality of life residents seek to enjoy, and for effective government.

The Transition Plan is intended to achieve the following:

- 1. Identify physical obstacles that limit the accessibility of facilities to individuals with disabilities;
- Describe the methods and costs to make the facilities accessible;
- 3. Provide a schedule and funds for making the access modifications; and
- 4. Identify the public officials responsible for implementation of the Transition Plan.

The Transition Plan is required to be updated periodically until all accessibility barriers are removed.

#### Conclusion:

Staff recommends that the City Council adopt a resolution (**Attachment B**) approving the City of Lemon Grove ADA Transition Plan (**Attachment C**).

#### RESOLUTION NO. 2015-

# RESOLUTION OF THE LEMON GROVE CITY COUNCIL APPROVING THE CITY OF LEMON GROVE ADA TRANSITION PLAN

**WHEREAS**, the Americans with Disabilities Act (ADA) of 1990 is a civil rights statute that prohibits discrimination against people who have disabilities; and

**WHEREAS**, Title II of the ADA specifically addresses the subject of making City services and facilities accessible to those with disabilities; and

WHEREAS, state and local governments, public entities or agencies are required to perform self-evaluations of their current facilities, relative to the accessibility requirements of the ADA and develop an ADA Transition Plan; and

**WHEREAS**, adoption of the ADA Transition plan is required to receive federal transportation funding; and

WHEREAS, it is in the City's best interests to adopt the ADA Transition Plan;

**NOW, THEREFORE, BE IT RESOLVED** that the Lemon Grove City Council hereby approves the City of Lemon Grove ADA Transition Plan.

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#### City of Lemon Grove ADA Transition Plan July 2015

The following is the City of Lemon Grove's Americans with Disabilities Act (ADA) Transition Plan. The Engineering Division is responsible for the program, which is implemented through the City's Capital Improvement Program (CIP). The budget for the CIP is approved by the City Council every year as a part of the City's budget and priority projects established by this program will be included in the CIP proposal. Prior to approval by the City Council, the CIP is reviewed by the Development Services Department for consistency with the City's General Plan.

Compliance with ADA is a fluid process as the guidelines evolve continuously and particularly with respect to building construction. City staff and as-needed consultants review reference documentation and attend training seminars as appropriate to stay informed of any changes to the guidelines.

The approach to the City of Lemon Grove ADA Transition Plan will involve several City Departments, task assignments, and be implemented through the City's CIP. The following projects that currently support the efforts outlined in the City's ADA Transition Plan include:

- Annual City-Wide Concrete Replacement Program
  - o Variety of curb, gutter and sidewalk replacement projects
- Recently Completed Infrastructure Projects
  - Main Street Promenade
  - Madera Street Safe Routes to School Project
  - San Miguel Safe Routes to School Project
  - o 2013 Street Resurfacing Project
  - o 2013 CDBG Project
- Upcoming Scheduled Infrastructure Projects
  - o 2015 Street Rehabilitation Project
  - 2015 CDBG Project (rehabilitation of five street segments, ADA curb ramps)
  - Palm Street Golden Avenue Safe Routes to School Project
  - Main Street Promenade Extension
- Other Improvements
  - Pedestrian Crossing Countdown signals
  - o Tactile/audible pedestrian push buttons
  - Contrasting color truncated domes for ramps
  - High visibility crosswalks

#### Implementation

The Transition Plan will be executed in the following action steps:

- 1. Identify staff and/or consultants to review each facility for compliance. The ADA program is coordinated through the City's Engineering Division, with assistance from the City's Public Works Department and Development Services Department. The lead staff member is responsible for the continued maintenance and the implementation of the transition plan so that efforts to achieve accessibility can be effectively coordinated. The City may retain a consultant to assist with the transition plan when specialized expertise or additional staffing is necessary.
- 2. Continue the public involvement process by logging public complaints through phone calls, letters, or the City's website.
- 3. Identify all facilities used by each of the City's programs and services. With respect to pedestrian right of way facilities in particular, include an inventory and/or map of roads/streets, sidewalks, and intersections that need to be made accessible.
- 4. Map out the usage and specialized features of each City facility. This includes walkways and approaches to each facility from parking lots, bus stops and other transportation, doors and entrances, restrooms, vertical access (elevators and stairways), drinking fountains, and play and picnic areas in parks.
- 5. Choose a survey "tool" or list of standards. This must include evaluating for access by wheelchair users and other mobility impaired people who would require the use of curb ramps. These evaluations will consider visually, hearing and cognitively impaired people to ensure improvements other than curb ramps alone are also incorporated into the Plan.
- 6. Coordinate projects as appropriate and as listed in the Transition Plan into the City's CIP annually. The consideration of projects proposed for the CIP will be made by the Engineering Division after consultation with the Public Works Department and the Development Services Department. The review and approval of the CIP is accomplished during budget adoptions annually.
- 7. The CIP will identify costs, funding source and schedule. The Transition Plan database will be updated to identify project completion dates.

#### **Program Approach**

The City of Lemon Grove (City) through this program has developed an inventory procedure. The procedure involves data gathering, evaluation and ranking. The process includes a holistic approach to those locations that improve accessibility in Lemon Grove. The procedures include prioritizing improvements for all types of accessibility deficiencies that will achieve the highest benefit at a cost that is not an undue burden to the City.

In order to meet the needs of all users, City staff must have a clear understanding of the wide range of abilities that occur within the population. Programs, services and facilities should serve all members of the community. This includes older people, pedestrians who have vision problems, parents with strollers, children, and people using wheelchairs or other assertive devices. The City of Lemon Grove up until recently was fond of its rural character and this was most evident because of the City's lack of paved sidewalks. The City expects that the majority of improvements identified by the program will be increasing the accessibility of its sidewalk

system. Accessible sidewalks enable people with disabilities to reach their desired destinations in the community and to enjoy the benefits of City services, programs, and activities. Where sidewalks are provided, the City is required to ensure that continuous, unobstructed sidewalks are maintained in operable working condition.<sup>1</sup>

The following discussion highlights the most common accessibility challenges and the plan to identify and correct those deficiencies in the City of Lemon Grove.

#### Sidewalks and Pedestrian Paths (Public rights-of-way)

Accessible sidewalks enable people with disabilities to reach their desired destinations in the community and to enjoy the benefits of City services, programs, and activities. Sidewalks and pedestrian paths improvements are perhaps one of the biggest investments made in the City that provides the City with connectivity. Where sidewalks are provided, the City is required by the ADA to ensure that continuous, unobstructed sidewalks are maintained in operable working condition.<sup>2</sup>

A sidewalk trip hazard is defined as a sidewalk, or portion thereof, that becomes defective or unsafe for public travel due to broken or missing pieces, unevenness, or upheaval which causes at least a ¾ inch difference in height between two adjoining portions of the sidewalk, or one that has an abrupt change in elevation. The type of repair for trip hazards would include grinding, cutting, or removing and replacing of sidewalk.

Causes of changes in elevation level may include:

- Tree roots pushing upwards.
- Uneven transitions from street to gutter to ramp.
- Buckling due to improper sub-base preparation.

Change in vertical elevation may cause major problems for:

- Pedestrians with mobility impairments- difficulty lifting feet, or for those using crutches.
- Pedestrians with vision impairments-difficulty detecting elevation changes.
- Pedestrians using wheelchairs-difficult rolling over changes in elevation.

The City is recommending that curb extensions and curb ramps be encouraged throughout the City to provide the greatest effort towards improving accessibility in the City. As such, the locations that lack these improvements and are heavily travelled will be given a high priority.

#### Curb Extension and Purpose

A curb extension is an angled narrowing of the roadway and a widening of the sidewalk (pavement). This is often accompanied by an area of enhanced restrictions (such as a "no stopping" or "no parking" zone) and the appropriate visual reinforcement. This is achieved using painted road markings (e.g. lines, colored areas, or chevrons), barriers, bollards, or the addition of pavement or street furniture (e.g. planters, lamp standards, or benches). Curb extensions are often used in combination with other traffic calming measures such as chicanes, speed bumps, or rumble strips, and are frequently sited to "guard" pedestrian crossings.

In these cases the "squeeze" effect of the narrowed roadway shortens the exposed distance pedestrians must walk. The City's goal is to create a safer pedestrian infrastructure and will consider replacing existing curb ramps with curb extensions.

<sup>&</sup>lt;sup>1</sup> Franz Loewenherz, Senior Transportation Planner, City of Bellevue, Washington

<sup>&</sup>lt;sup>2</sup> Franz Loewenherz, Senior Transportation Planner, City of Bellevue, Washington

Primary benefits of curb extensions to pedestrian in urban areas include:

- Reduced pedestrian crossing distance
- · Reduced speed of turning vehicles
- A shorter accessible route for disabled people
- Increased motorist & pedestrian visibility

Criteria for implementation of curb extensions:

- High pedestrian volumes
- Minimal truck traffic
- Adequate sight distance
- Lower turning speeds
- No abrupt vertical deflections
- Proper drainage

#### Curb Ramps and Purpose

A curb ramp is a short ramp cutting through a curb or built to it. It provides an accessible route that people with disabilities can use to safely transition from a roadway to a curbed side walk and vice versa. It is difficult or even impossible for a person using a wheelchair, stroller, walker, or other mobility device to cross the street if the sidewalk does not provide a curb ramp. If curb

ramps are not provided, members of the community are forced to use their mobility device in a dangerous way or to stay home. All community members should be able to use the pedestrian infrastructure with no obstacles.

To allow people with disabilities to cross streets safely, the City's task is to provide curb ramps at pedestrian crossings and at public transportation stops where walkways intersect a curb. The curb ramps must meet specific standards for width, slope, cross slope, placement, and other features.

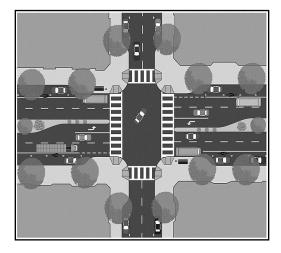
#### Phase 1: Inventory Procedure

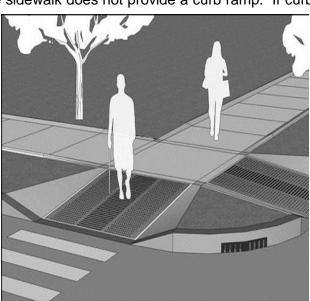
The City of Lemon Grove collects and prioritizes trip hazard information necessary

for sidewalks and curb ramps that are in need of repair through visual inspections and logging resident concerns. The City maintains a trip hazard inventory of curb ramps which provides priority listing of the hazards by type, location, and treatment requirements.

#### Phase 2: GIS and Database Analysis

The City of Lemon Grove ADA sidewalk and curb ramp inventory provides geographic data that gives positional accuracy and digital representation of how a potential hazard conforms to the actual location found in the field. Once the field data is collected, it's necessary to process the data so it can be stored in the City's work order database. Connectivity analysis is especially





valuable in GIS (Geographic Information System). The system will be used for storage, retrieval, mapping and analysis of this geographical data.

#### Phase 3: Ranking

ADA tells the City which features in the public right-of-way are non-standard but it does not tell us which of these non-standard features should be replaced first. After determining which facilities do not meet standards, the City develops a list of accessible improvements and establishes a priority based on amount of traffic, degree of difficulty, connectivity, benefit of improvement, cost of correction.

The data inventory in the City provides the information for a ranking analysis. The key principle is to assign a high ranking on a needs basis, not necessarily to the sidewalk and curb ramps in the worst condition but rather to those that would provide the most benefit to the people with disabilities while also accounting for effectiveness (including connectivity), efficiency, and costs.

#### **Buildings**

The City also maintains an inventory of existing facilities such as City-owned buildings and parks. The facilities are evaluated to ensure accessibility under the ADA. These facilities require City staff to conduct routine self-evaluations. Below is a list of the City-owned facilities:

- 1. City Hall/Sheriff's Station
- 2. Community Center
- 3. City Hall Annex
- 4. Lemon Grove Fire Station
- 5. Senior Center
- 6. Public Works Yard
- 7. Recreation Center
- 8. Trolley Depot
- 9. Lemon Grove Little League Fields
- 10. Berry Street Park
- 11. Civic Center Park
- 12. Fire Fighter's Park/Skate Park
- 13. Lemon Grove Park
- 14. Kunkel Park
- 15. Main Street Promenade

When programs, services, or activities are located in facilities that existed prior to January 26, 1992, the effective date of title II of the ADA, small cities must make sure that they are also available to persons with disabilities, unless to do so would fundamentally alter a program, service, or activity or result in undue financial or administrative burdens. This requirement is called program accessibility. When a service, program, or activity is located in a building that is not accessible, a small City can achieve program accessibility in several ways. It can:

- relocate the program or activity to an accessible facility,
- provide the activity, service, or benefit in another manner that meets ADA requirements, or
- make modifications to the building or facility itself to provide accessibility.

To achieve program accessibility, an acceptable alternative to making every existing facility accessible, some programs can be relocated to accessible facilities avoiding expensive physical modifications of all City facilities.

When a building or facility is renovated or altered or added to for any purpose, the alterations or additions must comply with the ADA Standards. In general, the alteration provisions are the same as the new construction requirements except that deviations are permitted when it is not technically feasible to comply. Additions are considered an alteration but the addition must follow the new construction requirements. When existing structural and other conditions make it impossible to meet all the alteration requirements of the ADA Standards, then they should be followed to the greatest extent possible.

#### Phase 1: Inventory Procedure

The City of Lemon Grove collects information on accessibility of buildings through visual inspections and logging resident concerns. The aforementioned information is maintained in an inventory (Table 1-1). The inventory includes the facility, description, and treatment requirements.

#### Phase 2: GIS and Database Analysis

The City of Lemon Grove ADA facilities accessibility information is maintained in a database. Once the field data is collected from field surveys, it's necessary to process the data so it can be stored in the City's work order database.

#### Phase 3: Ranking

The City develops a prioritized list of facilities with accessible improvements. The City's data inventory provides the information for a ranking analysis. The key principle is to assign a high ranking on a needs basis, not necessarily to the facilities in the worst condition but rather to those that would provide the most benefit to the people with disabilities while also accounting for effectiveness, efficiency, and costs (Table 1-1).

#### **Programs and Services**

Cities must maintain those features that are necessary to provide access to services, programs, and activities in operable working condition -- including elevators and lifts, curb ramps at intersections, accessible parking spaces, ramps to building or facility entrances, door hardware, and accessible toilet facilities. Isolated or temporary interruptions in service or access are permitted for maintenance or repairs.

#### Phase 1: Inventory Procedure

The City of Lemon Grove collects information on public accessibility of City-run programs through visual inspections and logging resident concerns. The information collected is maintained in an inventory (Table 1-1). The inventory includes the program, description, and treatment requirements.

#### Phase 2: GIS and Database Analysis

The City of Lemon Grove ADA City-run program accessibility information is maintained in a database. Once the field data is collected from field surveys, it's necessary to process the data so it can be stored in the City's work order database. GIS maybe used for storage, retrieval, mapping and analysis of geographic data.

#### Phase 3: Ranking

The City develops a prioritized list of City-run programs and associated facilities with accessible improvements. The City's data inventory provides the information for a ranking analysis. The key principle is to assign a high ranking on a needs basis that would provide the most benefit to the people with disabilities while also accounting for effectiveness, efficiency, and costs (Table 1-1).

#### **Communications**

Cities must take appropriate steps to ensure that communications with members of the public, job applicants, and participants with disabilities are as effective as communications with others unless it is an undue financial or administrative burden to do so or it would result in a fundamental alteration in the nature of its program or activity.

Achieving effective communication often requires that cities provide auxiliary aids and services. Examples of auxiliary aids and services include qualified sign language interpreters, assistive listening devices, open and closed captioning, note takers, written materials, telephone handset devices, qualified readers, taped texts, audio recordings, Brailed materials, materials on computer disk, and large print materials.

Phase 1: Inventory Procedure

All facilities will be analyzed to determine whether complete communication is achieved for all segments of the population. The electronic systems need to be evaluated to consider sight or hearing impaired segments of the population.

Phase 2: GIS and Database Analysis

Not applicable.

Phase 3: Ranking

The City develops a list of deficiencies and will implement those items that can be accomplished in-house through the computer systems. The City's inventory will also provide identification of communication tools needing expertise not found in-house. These services will be considered on a cost basis and will be ranked by a demand analysis (Table 1-1).

#### **Parking**

In new construction and in alterations, accessible parking must be provided whenever public parking is provided. Cities may wish to add accessible parking when public parking is not provided to provide access to facilities where programs, services, or activities are located. Accessible parking spaces have a number of features that make it possible for people with disabilities to get into or out of a vehicle.

Phase 1: Inventory Procedure

The City of Lemon Grove collects information on accessibility of parking through inspections and logging resident concerns. The aforementioned information is maintained in an inventory (Table 1-1). The inventory includes the public parking lot location and description as well as the treatment requirements.

Phase 2: GIS and Database Analysis

The City of Lemon Grove ADA parking accessibility information is maintained in a database. Once data is collected from surveys or complaints logged, it's necessary to process the data so it can be stored in the City's work order database. GIS maybe used for storage, retrieval, mapping and analysis of geographic data.

Phase 3: Ranking

The City develops a prioritized list of parking facilities with accessible improvements. The City's data inventory provides the information for a ranking analysis. The key principle is to assign a high ranking on a needs basis, not necessarily to the parking facilities in the worst condition but rather to those that would provide the most benefit to the people with disabilities while also accounting for effectiveness, efficiency, and costs (Table 1-1).

#### **Accessible Route and Entry**

When a walk, pathway, or pedestrian route is necessary to provide public access to a program, service, or activity, an accessible route must be provided. An accessible route is an unobstructed pedestrian path that connects accessible elements and spaces such as accessible parking spaces, accessible entrances, accessible meeting rooms, accessible toilet rooms, etc. It can be a walkway, hallway, part of a courtyard, or other pedestrian space. An accessible route must be at least 36 inches wide, have no abrupt vertical changes in level (such as a step), have a running slope no more than 1:12 in most cases, and meet other requirements for cross slope, surface conditions, vertical height, and passing spaces. The width of an accessible route can be as narrow as 32 inches wide, such as at a doorway or a narrow section of hallway, but only for a distance up to 24 inches long.

If entering a facility is necessary to participate in or benefit from a program, service, or activity, then that facility must have an accessible entrance and the accessible entrance must be on an accessible route. The accessible route must connect one or more (exterior) site entry points (such as parking, a public sidewalk, or a public transportation stop) with an accessible entrance. The accessible entrance must also connect to an interior accessible route leading to the space or spaces where the program is located.

#### Phase 1: Inventory Procedure

The City of Lemon Grove collects information on accessibility of buildings and programs to address accessible entry and routes through visual inspections and logging resident concerns. The aforementioned information is maintained in an inventory (Table 1-1). The inventory includes the facility, description, and treatment requirements.

#### Phase 2: GIS and Database Analysis

The City of Lemon Grove ADA facilities accessible entry and routes information is maintained in a database. Once the field data is collected from field surveys or complaints logged, it's necessary to process the data so it can be stored in the City's work order database. GIS maybe used for storage, retrieval, mapping and analysis of geographic data.

#### Phase 3: Ranking

The City develops a prioritized list of facilities with accessible entry and route information. The City's data inventory provides the information for a ranking analysis. The key principle is to assign a high ranking on a needs basis, not necessarily to the facilities limited entry and route accessibility but rather to those that would provide the most benefit to the people with disabilities while also accounting for effectiveness, efficiency, and costs (Table 1-1).

#### **Grievance Procedure**

Cities with fifty or more employees must have an ADA grievance procedure. A grievance procedure provides people who feel they have been discriminated against because of their disability, or others who feel they have been discriminated against because they have a friend or family member with a disability, with a formal process to make their complaint known to City officials. This procedure encourages prompt and equitable resolution of the problem at the local level without having to force individuals to file a Federal complaint or a lawsuit. To file a grievance, a complaint would be filed at City Hall (**Attachment D**), investigated by City staff or a consulting expert and an action would be proposed. The action may include, but not limited to: a no further action determination or a proposal to correct the issue with a timeline to achieve the correction. If the complainant is dissatisfied with the determination or proposed action, an appeal may be filed with the City Clerk pursuant to 17.28.020 processed for a City Council hearing.

#### **Next Steps**

The City Lemon Grove's ADA inventory allows for a comparative analysis of the City's deficiencies. Data contained in this document enables City staff to:

- Determine if a sidewalk or curb ramp meets the intended design specifications and guidelines as given in the ADA.
- Identify portions of sidewalks needing accessibility improvements.
- Maintain an updated inventory of all curb ramps and trip hazards that exist in the City.
- Quantify the extent of the work required to provide safer pedestrian infrastructures.
- Inform the Capital Improvements Program
- Track progress and achievements from an established baseline.
- Periodic updates as improvements are identified and ADA provisions are revised.

**Table 1-1: ADA Self-Evaluation Inventory** 

Facilities	Issue	Recommended Corrective Action	Estimated Cost	Priority	Completion Date
EXAMPLE: Restroom*	Inaccessible Restroom	Remodel existing restroom.	\$3,000	1-Highest Priority	6/30/2016
Note:					

Note:

<sup>\*</sup>This table does not represent any projects at the City of Lemon Grove. It is only intended as an example of how a self-evaluation form would be filled out by the City of Lemon Grove to address ADA Compliance

CITY OF LEMON GROVE Property Address			
CODE ENFORCE	EMENT COMPLAINT		Date
ALLEGED VIOLATOR	RINFORMATION		
Owner/Tenant Name		AP	N
Owner Address (if differ			
	e e e e e e e e e e e e e e e e e e e		
NOTES			
-			
COMPLAINANT			
PHONE	ADDRESS_		
INSPECTION INFORM	MATION		
Inspection Date	Inspected By	Ger	eral Observations
·			
VIOLATIONS		-	
8.08	Weed Control and Waste Matter	17.24.030	Yards & Setbacks
8.12	Accumulation of Junk	17.24.050	Landscaping & Screening
8.28	Abandoned Vehicle	17.24.060	Accessory Buildings & Uses
8.44	Hazardous Material	18.12	Signs
8.48	Stormwater Discharge	UBC 102	Dangerous Bldg & Structures
9.24	Noise Abatement	UBC 103	Occupancy Violations
9.32	Prohibition of Application of Graffiti	UBC 106.1	Building without a Permit
10.28.170	Comm. Vehicle on Public Street	Accessibility	(ADA)
17.16.	Illegal Use in Zone	Other:	
	-		
RECOMMENDED AC	TIONS		
	HONG	Enward to Cit	ay Attornovia Office
Reinspect			y Attorney's Office
Notice of Vi	olation	Other:	
NOTES			